

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CHARLES MANZO,

*Plaintiff,*

-against-

STANLEY BLACK & DECKER, INC.,  
BLACK & DECKER (U.S.) INC., and  
WOLFE MACHINERY CO.,

*Defendants.*

-----X  
STANLEY BLACK & DECKER, INC.,  
BLACK & DECKER (U.S.) INC.,

*Third-party Plaintiffs,*

-against-

CVD EQUIPMENT CORPORATION,

*Third-Party Defendant.*

-----X  
TO: **UNITED STATES DEPARTMENT OF LABOR - OCCUPATION SAFETY  
& HEALTH ADMINISTRATION  
Long Island Area Office  
1400 Old Country Road, Suite 208  
Westbury, New York 11590**

**YOU ARE COMMANDED**, by Order and pursuant to Fed. R. Civ. P. 30(b)(6) of the Federal Rules of Civil Procedure, (applicable to government entities, See *McKesson v. Islamic Republic of Iran*, 185 F.R.D. 70) to appear and provide testimony, upon oral examination of non-party United States Department of Labor - Occupation Safety & Health Administration, through designees, to be taken before a notary public who is not an attorney, or employee of an attorney, for any party or prospective party herein, and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, to be recorded by stenographic means, at the

Civil Action, File Number

**13-CV-3963**

**SO ORDERED**

**SUBPOENA TO COMPEL  
NON-PARTY  
DEPOSITION(S) and  
PRODUCTION OF  
DOCUMENTS AND  
THINGS Pursuant to Rules  
45, 30(b)(6) and 34(c)**

Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, on the 17th day of April, 2015, at 10:00 in the forenoon of that day (or at another time and location to be mutually agreed in writing with the undersign counsel) with respect to evidence and material that is necessary in the prosecution of this above captioned action, or that may lead to evidence or material that is necessary in the prosecution of this action.

**YOU ARE FURTHER COMMANDED**, by Order to produce, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material and pursuant to Fed. R. Civ. P. 45

That the person(s) designated pursuant to Fed. R. Civ. P. 30(b)(6) will be required to testify as to the matters concerning the following:

1. The identity of the Compliance Safety Health Officer(s) who participated in performing any/all inspections and/or accident investigations concerning CVD EQUIPMENT CORPORATION located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, including but not limited to OSHA Inspection No. 311141907.
2. The identity of the Compliance Safety Health Officer(s) who participated in performing any/all inspections and/or accident investigations concerning CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622.
3. Observations and findings of the Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, before July 12, 2010
4. Observations and findings of the Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT

CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, under OSHA Inspection No. 311141907 on July 12, 2010.

5. Observations and findings of the Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, after July 12, 2010.
6. Knowledge of OSHA rules, standards, regulations, interpretations (Letters of Interpretation) and directives concerning machine guarding.
7. Knowledge of OSHA rules, standards, regulations, interpretations (Letters of Interpretation) and directives concerning, or that otherwise include, workplace radial arm saws.
8. Knowledge of OSHA inspections, interviews, accident investigations, and compliance actions concerning CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, including but not limited to OSHA Inspection No. 311141907.
9. Knowledge of OSHA inspections, interviews, accident investigations, and compliance actions concerning CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622.
10. Knowledge of OSHA inspections, accident investigations, and compliance actions concerning CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622.
11. Knowledge of OSHA inspections, accident investigations, and compliance actions concerning Dewalt Model Number 3526 radial arm saws.
12. Known causes and/or mechanisms of injury concerning a class of products that includes radial arm saws.
13. Known safety features, protections, postings/warnings and/or other precautions intended to protect against or minimize the potential for injuries

for a class of power saw products that includes radial arm saws.

14. Knowledge of the findings, analysis, causes of, and contributing factors to, the workplace injury suffered by to Charles Manzo on July 12, 2010.

15. Knowledge of OSHA workplace location inspection procedures and protocol.

16. Knowledge of OSHA accident investigation procedures and protocol.

17. Knowledge of OSHA mitigation and compliance proceedings, procedures and protocol.

18. Knowledge of OSHA document and record retention policies.

**YOU ARE FURTHER COMMANDED**, by Order to produce, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material and pursuant to Fed. R. Civ. P. 45.

1. All documents, records and things concerning any accident investigation(s) at the facilities of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, including complaints, incident reports, accident reports, documentation of injury, NAICS/SIC codes, OSHA violations, citations, fines, notes, summaries, enforcement database information, claims, pleadings, charging documents, audio recordings, photographs and video graphic information (including all original format color digital video, images and audio recordings).
2. All documents, records and things concerning OSHA inspections of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, including complaints, incident reports, accident reports, documentation of injury, NAICS/SIC codes, OSHA violations, citations, fines, notes, summaries, enforcement database information, claims, pleadings, charging documents, audio recordings, photographs and video graphic information (including all original format color digital video, images and

audio recordings).

3. All documents, records and things concerning any abatement efforts and/or safety related service, revision, repair, maintenance, modification, and/or policy change made and/or claimed to be/have been made by CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, to comply with, or as otherwise directed by OSHA directives, rules, standards or regulations, including letters, statements, invoices, purchase orders, work orders, photographs and video graphic information, as well as other documents concerning the performance of such safety related service, revision, repair, maintenance, modification, and/or policy change.
4. All documents, records and things concerning any accident investigation(s) at the facilities of CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622, including complaints, incident reports, accident reposts, documentation of injury, NAICS/SIC codes, OSHA violations, citations, fines, notes, summaries, enforcement database information, claims, pleadings, charging documents, audio recordings, photographs and video graphic information (including all original format color digital video, images and audio recordings).
5. All documents, records and things concerning OSHA inspections of the work areas, facilities, tools and/or equipment of CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622, including complaints, incident reports, accident reposts, documentation of injury, NAICS/SIC codes, OSHA violations, citations, fines, notes, summaries, enforcement database information, claims, pleadings, charging documents, audio recordings, photographs and video graphic information (including all original format color digital video, images and audio recordings).
6. All documents, records and things concerning any abatement efforts and/or safety related service, revision, repair, maintenance, modification, and/or policy change made and/or claimed to be/have been made by CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622, to comply with, or as otherwise directed by OSHA directives, rules, standards or regulations, including letters, statements, invoices, purchase orders, work orders, photographs and video graphic information, as well as other documents concerning the performance of such safety related service, revision, repair, maintenance, modification, and/or policy change.
7. All documents, records and things concerning the condition of the Dewalt branded radial arm saw bearing Model Number 3526 and Serial Number 84220041 on which

Charles Manzo was injured, at the time of a July 12, 2010 inspection by OSHA Compliance Safety Health Officer(s). ( Inspection No. 311141907)

8. All documents, records and things concerning the condition of the Dewalt branded radial arm saw, bearing Model Number 3526 and Serial Number 84220041, on which Charles Manzo was injured, during inspections after the incident inspection of date of July 12, 2010. (Inspection No. 311141907)
9. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted the July 12, 2010 inspection. (Inspection No. 311141907)
10. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted the inspections after the incident inspection of July 12, 2010. (Inspection No. 311141907)
11. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted any inspections of the work areas, facilities, tools and/or equipment of CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622, prior to the incident inspection of July 12, 2010. (Inspection No. 311141907)
12. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted any inspections of the work areas, facilities, tools and/or equipment of CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, prior to the incident inspection of July 12, 2010. (Inspection No. 311141907)
13. All documents, records and things concerning any accident investigation or inspection of a certain Dewalt radial arm saw bearing Model Number 3526 and Serial Number 84220041 at any location, including but not limited to 6 Post Road, Portsmouth, New Hampshire 03801-5622 and 1860 Smithtown Avenue, Ronkonkoma, New York 11779.
14. All documents, records and things identifying the Compliance Safety Health Officer(s) who conducted any inspections of a certain Dewalt radial arm saw bearing Model Number 3526 and Serial Number 84220041 at any location, including but not limited to 6 Post Road, Portsmouth, New Hampshire 03801-5622 and 1860 Smithtown Avenue, Ronkonkoma, New York 11779.
15. All documents, records and things concerning accident/injury reports that concern


Dewalt Model Number 3526 radial arm saws.

It is further ordered that the person(s) designated to be examined is/are required to produce at such examination all documents and all other material in possession or control of this defendant, relevant to the above-mentioned matters the extent not expressly identified by the this Order.

It is further ordered that all Compliance Safety Health Officer(s) who participated in performing inspections and/or accident investigations concerning CVD EQUIPMENT CORPORATION, located at 1860 Smithtown Avenue, Ronkonkoma, New York 11779, concerning OSHA Inspection No. 311141907 shall be produced to testify in addition to the OSHA designees produced pursuant to this Rule 30(b)(6) deposition order.

DATED: March 27, 2015  
New York, New York

Yours, etc.

  
\_\_\_\_\_  
Gary Certain, Esq.  
Certain & Zilberg, PLLC  
*Attorneys for Plaintiff*  
CHARLES MANZO  
909 Third Avenue, 28<sup>th</sup> Floor  
New York, New York 10022  
Tel: (212) 687-7800

DATED: \_\_\_\_\_, 2015  
New York, New York

SO ORDERED

\_\_\_\_\_  
U.S.M.J. STEVEN I. LOCKE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CHARLES MANZO,

*Plaintiff,*

-against-

STANLEY BLACK & DECKER, INC.,  
BLACK & DECKER (U.S.) INC., and  
WOLFE MACHINERY CO.,

*Defendants.*  
-----X

STANLEY BLACK & DECKER, INC.,  
BLACK & DECKER (U.S.) INC.,

*Third-party Plaintiffs,*

-against-

CVD EQUIPMENT CORPORATION,

*Third-Party Defendant.*  
-----X

TO: CONCEPTRONIC, INC.  
6 Post Road  
Portsmouth, New Hampshire 03801

CONCEPTRONIC, INC. c/o  
DYCOM INDUSTRIES, INC.  
Wells Fargo Center  
4440 PGA Boulevard, Suite 500  
Palm Beach Gardens, Florida 33410

DYCOM INDUSTRIES, INC.  
Wells Fargo Center  
4440 PGA Boulevard, Suite 500  
Palm Beach Gardens, Florida 33410

Civil Action, File Number

**13-CV-3963**

**SO ORDERED**

**SUBPOENA TO COMPEL  
NON-PARTY  
DEPOSITION(S) and  
PRODUCTION OF  
DOCUMENTS AND  
THINGS Pursuant to Rules  
45, 30(b)(6) and 34(c)**

**YOU ARE COMMANDED**, by Order and pursuant to Fed. R. Civ. P. 30(b)(6) of the  
Federal Rules of Civil Procedure, to appear and provide testimony, upon oral

examination of non-parties CONCEPTRONIC, INC. and DYCOM INDUSTRIES, INC. through designees, to be taken before a notary public who is not an attorney, or employee of an attorney, for any party or prospective party herein, and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, to be recorded by stenographic means, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, on the 24th day of April, 2015, at 10:00 in the forenoon of that day (or at another time and location to be mutually agreed in writing with the undersign counsel) with respect to evidence and material that is necessary in the prosecution of this above captioned action, or that may lead to evidence or material that is necessary in the prosecution of this action.

**YOU ARE FURTHER COMMANDED**, by Order to produce, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material and pursuant to Fed. R. Civ. P. 45

That the person(s) designated pursuant to Fed. R. Civ. P. 30(b)(6) will be required to testify as to the matters concerning the following:

1. The purchase and/or acquisition of a certain Dewalt radial arm saw bearing Model Number 3526 and Serial Number 84220041, hereinafter referred to as the “subject machine,” including the circumstances and the source from whom the subject machine was acquired.
2. The terms and conditions of all agreements, contract and warranties concerning the subject machine.
3. Condition of the subject machine at the time of acquisition.
4. Safety features of the subject machine.
5. The installation and assembly of the subject machine.
6. Use history of the subject machine.
7. Service history and records concerning the subject machine.

8. The maintaining, servicing, refurbishing, rebuilding, re-assembly, effort(s) to modify and/or repair of the subject machine.
9. All parts and/or services concerning the subject machine provided by WOLFE MACHINERY CO.
10. All persons or entities providing parts and/or services concerning the subject machine.
11. Worker's compensations claims concerning or relating to the operation of the subject machine.
12. Investigations of injuries or claimed injuries and/or alleged or possible malfunctions related to the subject machine.
13. All investigations of alleged or possible malfunctions related to the subject machine.
14. All brochures, operation and service manuals, inspection and/or maintenance recommendations, instructions, directions, labels, warnings, procedures, precautions and related documentation concerning the subject machine.
15. All OSHA inspections and/or accident investigations concerning the subject machine.
16. All OSHA inspections, accident investigations and/or corrective actions concerning the workplace/facilities of CONCEPTRONIC, INC. at 6 Post Road, Portsmouth, New Hampshire 03801-5622.
17. Nature of the relationship between CONCEPTRONIC, INC. or DYCOM INDUSTRIES, INC. and CVD EQUIPMENT CORPORATION.
18. Transactions, including asset purchases, U.C.C. filings, bills of sale, contracts, assignments of rights, title transfers, itemized schedules, inventory sales and/or agreements, between CONCEPTRONIC, INC. or DYCOM INDUSTRIES, INC. and CVD EQUIPMENT CORPORATION, including but not limited to transactions that include the subject machine and the right to use or assume the CONCEPTRONIC commercial mark.

19. Circumstances under which CONCEPTRONIC, INC. or DYCOM INDUSTRIES, INC. sold or otherwise transferred property and or rights to CVD EQUIPMENT CORPORATION that included the subject machine.
20. Descriptive information concerning the subject machine at the time of sale/transfer to CVD EQUIPMENT CORPORATION.
21. Photographs and video graphic depictions of the subject machine.
22. Representations concerning the subject machine prior to the sale/transfer to CVD EQUIPMENT CORPORATION.
23. Condition of the subject machine upon the sale/transfer to CVD EQUIPMENT CORPORATION.
24. Terms of the sale/transfer of the subject machine to CVD EQUIPMENT CORPORATION.
25. Incidents and occurrences of disabling, or removing of any safety mechanism or features of the subject machine.
26. Safety measures implemented or otherwise undertaken by CONCEPTRONIC, INC. or DYCOM INDUSTRIES concerning the subject machine.
27. All notices or warnings received concerning the subject machine during it ownership and/or possession by CONCEPTRONIC, INC.
28. Correspondence and communications with any third parties, including but not limited to the parties to this action, concerning the subject machine.

**YOU ARE FURTHER COMMANDED**, by Order to produce, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material and pursuant to Fed. R. Civ. P. 45.

1. All documents, records and things concerning the purchase and/or acquisition of the subject machine.

2. All brochures, operation and service manuals, inspection and/or maintenance recommendations, instructions, directions, labels, warnings, procedures, precautions and related documentation concerning the subject machine.
3. All documents concerning the ordering of parts, maintenance, service, refurbishment, rebuild, reassembly, repairs or other modification of the subject machine, invoices, receipts, purchase orders, work orders and other documents concerning service of the subject machine.
4. All documents and records concerning transactions, including asset purchases, U.C.C. filings, bills of sale, contracts, assignments of rights, title transfers, itemized schedules, inventory sales and/or agreements, between CONCEPTRONIC, INC. or DYCOM INDUSTRIES, INC. and CVD EQUIPMENT CORPORATION, including but not limited to transactions that include the subject machine and the right to use or assume the CONCEPTRONIC commercial mark.
5. All photographs and video graphic depictions of the subject machine and/or subject machine related injuries.
6. All audio recordings concerning the subject machine and/or subject machine related injuries.
7. All documents, records and things concerning any/all representations concerning the subject machine prior to its sale/transfer to CVD EQUIPMENT CORPORATION.
8. All documents, records and things concerning the condition of the subject machine upon its sale/transfer to CVD EQUIPMENT CORPORATION.
9. All documents, records and things concerning the terms of the sale/transfer of the subject machine to CVD EQUIPMENT CORPORATION.
10. All documents, records and things concerning incidents and occurrences of disabling, or removing of any safety mechanism or features of the subject machine.
11. All documents, records and things concerning safety measures implemented or otherwise undertaken by CONCEPTRONIC, INC. or DYCOM INDUSTRIES

concerning the subject machine.

12. All documents, records and things concerning any notices or warnings received concerning the subject machine during its ownership and/or possession by CONCEPTRONIC, INC.
13. All documents, records and things, parts and/or services concerning the subject machine provided by WOLFE MACHINERY CO.
14. All documents, records and things provided by any/all persons or entities providing parts and/or services concerning the subject machine.
15. All documents, records and things concerning worker's compensations claims concerning or relating to the operation of the subject machine.
16. All documents, records and things concerning any/all investigations of injuries or claimed injuries and/or alleged or possible malfunctions related to the subject machine.
17. All documents, records and things concerning any/all investigations of alleged or possible malfunctions related to the subject machine.
18. All documents, records and things concerning any/all correspondence and communications with any third parties, including but not limited to the parties to this action, concerning the subject machine.
19. All documents, records and things concerning any accident investigation(s) at the facilities of CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622, including complaints, incident reports, accident reports, documentation of injury, OSHA violations, citations, fines, notes, summaries, claims, pleadings, charging documents, audio recordings, photographs and video graphic information (including all original format color digital video, images and audio recordings).
20. All documents, records and things concerning OSHA inspections of the work areas, facilities, tools and/or equipment of CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622, including complaints, incident reports, accident reports, documentation of injury, OSHA violations, citations, fines, notes, summaries, claims, pleadings, charging documents, audio recordings, photographs and video graphic information (including all original

format color digital video, images and audio recordings).

21. All documents, records and things concerning any abatement efforts and/or safety related service, revision, repair, maintenance, modification, and/or policy change made and/or claimed to be/have been made by CONCEPTRONIC, INC., located at 6 Post Road, Portsmouth, New Hampshire 03801-5622, to comply with, or as otherwise directed by, OSHA directives, rules, standards or regulations, including letters, statements, invoices, purchase orders, work orders, photographs and video graphic information and other documents concerning the performance of such safety related service, revision, repair, maintenance, modification, and/or policy change.
22. All documents, records and things concerning the condition of the Dewalt branded radial arm saw bearing Model Number 3526 and Serial Number 84220041 on which Charles Manzo was injured, at the time of a July 12, 2010 inspection by OSHA Compliance Safety Health Officer(s). (Inspection No. 311141907)
23. All documents, records and things concerning the condition of the Dewalt branded radial arm saw, bearing Model Number 3526 and Serial Number 84220041, on which Charles Manzo was injured, during inspections after the incident inspection of July 12, 2010. (Inspection No. 311141907)

DATED: March 27, 2015  
New York, New York

Yours, etc.



Gary Certain, Esq.  
Certain & Zilberg, PLLC  
*Attorneys for Plaintiff*  
CHARLES MANZO  
909 Third Avenue, 28<sup>th</sup> Floor  
New York, New York 10022  
Tel: (212) 687-7800

DATED: \_\_\_\_\_, 2015  
New York, New York

SO ORDERED

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U.S.M.J. STEVEN I. LOCKE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CHARLES MANZO,

*Plaintiff,*

-against-

STANLEY BLACK & DECKER, INC.,  
BLACK & DECKER (U.S.) INC., and  
WOLFE MACHINERY CO.,

*Defendants.*

-----X  
STANLEY BLACK & DECKER, INC.,  
BLACK & DECKER (U.S.) INC.,

*Third-party Plaintiffs,*

-against-

CVD EQUIPMENT CORPORATION,

*Third-Party Defendant.*

-----X

TO: LANCASTER MACHINERY COMPANY  
715 Fountain Avenue  
Lancaster, Pennsylvania 17601

Civil Action, File Number

**13-CV-3963**

**SO ORDERED**

**SUBPOENA TO COMPEL  
NON-PARTY  
DEPOSITION(S) and  
PRODUCTION OF  
DOCUMENTS AND  
THINGS Pursuant to Rules  
45, 30(b)(6) and 34(c)**

**YOU ARE COMMANDED**, by Order and pursuant to Fed. R. Civ. P. 30(b)(6) of the Federal Rules of Civil Procedure, to appear and provide testimony, upon oral examination of non-party LANCASTER MACHINERY COMPANY through designees, to be taken before a notary public who is not an attorney, or employee of an attorney, for any party or prospective party herein, and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, to be recorded by stenographic means, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, on the 4th day of May 2015, at 10:00 in the forenoon of that day (or at another time and location to be mutually agreed in writing with the undersign counsel) with respect to evidence and

material that is necessary in the prosecution of this above captioned action, or that may lead to evidence or material that is necessary in the prosecution of this action.

**YOU ARE FURTHER COMMANDED**, by Order to produce, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material and pursuant to Fed. R. Civ. P. 45

That the person(s) designated pursuant to Fed. R. Civ. P. 30(b)(6) will be required to testify as to the matters concerning the following:

1. The purchase and/or acquisition of the designs, manufacture rights, intellectual property and related licenses and property rights concern DeWalt radial arm saws, including the circumstances surrounding and the source from whom the subject machine was acquired and the terms and conditions of such purchase and/or acquisition.
2. The purchase and/or acquisition of the designs and other intellectual property and related licenses that include the Dewalt Model Number 3526 radial arm saw, including the circumstances surrounding and the source from whom the subject machine was acquired and the terms and conditions of such purchase and/or acquisition.
3. Design of the Dewalt Model Number 3526 radial arm saw.
4. Features of the Dewalt Model Number 3526 radial arm saw.
5. Safety features and components of the Dewalt Model Number 3526 radial arm saw.
6. Known hazards associated with the use/operation of the Dewalt Model Number 3526 radial arm saw.
7. Labeling of the Dewalt Model Number 3526 radial arm saw.
8. Brochures for, or that include or concern, the Dewalt Model Number 3526 radial arm saw.

9. Operation/Users manual(s) for the Dewalt Model Number 3526 radial arm saw.
10. Service/Repair manual(s) for the Dewalt Model Number 3526 radial arm saw.
11. Notices, bulletins, warnings and other cautions issued concerning the Dewalt Model Number 3526 radial arm saw.
12. Purchase/Ownership records concerning the Dewalt Model Number 3526 radial arm saw.
13. Manufacture of a certain Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
14. Sale of a certain Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
15. Service records of a certain Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
16. Complaint records/histories concerning the Dewalt Model Number 3526 radial arm saw.
17. Injury history records/histories concerning the Dewalt Model Number 3526 radial arm saw.
18. Investigations of injuries or claimed injuries and/or alleged or possible malfunctions related to the Dewalt Model Number 3526 radial arm saw.
19. Investigations of injuries or claimed injuries and/or alleged or possible malfunctions related to radial arm saws with design and safety features similar to the Dewalt Model Number 3526 radial arm saw.
20. Litigation concerning history Dewalt Model Number 3526 radial arm saw.
21. History of O.S.H.A, C.P.S.C and/or regulatory investigations, reports or complaints that concern the Dewalt Model Number 3526 radial arm saw.
22. Guarding concerning the Dewalt Model Number 3526 radial arm saw.

23. Investigation of design alternatives concerning radial arm saw products.
24. Guarding alternatives concerning radial arm saw products.
25. Interlock design alternatives.
26. Modifications and/or changes in the design of the Dewalt Model Number 3526 radial arm saw.
27. Design date(s) of the Dewalt Model Number 3526 radial arm saw.
28. Dates of manufacture of the Dewalt Model Number 3526 radial arm saw.
29. Dates of sale of the Dewalt Model Number 3526 radial arm saw by LANCASTER MACHINERY COMPANY.
30. Basis for the discontinuation of the manufacture of the Dewalt Model Number 3526 radial arm saw.
31. Successor models, if any, to the Dewalt Model Number 3526 radial arm saw, including features.
32. Manufacture date of the Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
33. Sale date of the Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
34. Purchaser(s) of the Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
35. All warranties applicable to the Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
36. Documents acquired from prior manufactures that include documents that concern the Dewalt Model Number 3526 radial arm saw.
37. Document custodian(s) of documents concerning the Dewalt Model Number 3526 radial arm saw.

**YOU ARE FURTHER COMMANDED**, by Order to produce, at the Law Offices of Certain & Zilberg, PLLC located at 909 Third Avenue 28<sup>th</sup> Floor, New York, New York 10022, the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material and pursuant to Fed. R. Civ. P. 45.


1. All designs for the Dewalt Model Number 3526 radial arm saw.
2. All labeling and warnings accompanying the Dewalt Model Number 3526 radial arm saw.
3. All documents, records and things concerning any dangers associated with the operation/use of the Dewalt Model Number 3526 radial arm saw, including but not limited to the potential of finger and hand injuries.
4. All documents, records and things concerning all design decisions and actions taken to prevent or minimize the risk of finger and hand injuries related to the operation/use of the Dewalt Model Number 3526 radial arm saw.
5. All documents, records and things concerning any guarding that was intended to be affixed to and/or incorporated into the design of the Dewalt Model Number 3526 radial arm saw.
6. All documents, records and things concerning brochures, operation and service manuals, inspection and/or maintenance recommendations, instructions, directions, labels, warnings, procedures, precautions and related documentation concerning the subject machine.
7. All documents, records and things concerning the recommended and/or advised means of performing maintenance, service, refurbishment, rebuild, reassembly, repairs or other modification of the Dewalt Model Number 3526 radial arm saw.
8. All photographs and video graphic depictions demonstrating the appearance of the Dewalt Model Number 3526 radial arm saw.
9. All photographs and video graphic depictions demonstrating the use/operation of the Dewalt Model Number 3526 radial arm saw.
10. All documents, records and things concerning the manufacture of the Dewalt

Model Number 3526 radial arm saw bearing Serial Number 84220041.

11. All documents, records and things concerning the sale of the Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
12. All documents, records and things concerning the service of the Dewalt Model Number 3526 radial arm saw bearing Serial Number 84220041.
13. All pleadings and complaints concerning claims related to injuries alleged to be associated with the Dewalt Model Number 3526 radial arm saw.
14. All expert reports and/or evaluations concerning the safety and/or alleged design defects that concern the Dewalt Model Number 3526 radial arm saw.
15. All documents, records and things concerning investigations of injuries or claimed injuries alleged to have been related to the use/operation of the Dewalt Model Number 3526 radial arm saw
16. All documents, records and things concerning any/all representations concerning the safety, suitability and fitness for use of the Dewalt Model Number 3526 radial arm saw.
17. All documents, records and things concerning safety related design alternatives that concern, or include, the design of radial arm saws.
18. All documents, records and things concerning incidents and occurrences of disabling or removing of any safety mechanism or features of the Dewalt Model Number 3526 radial arm saw.
19. All documents, records and things concerning any notices, bulletins or safety related warnings that concern the Dewalt Model Number 3526 radial arm saw.

DATED: March 27, 2015  
New York, New York

Yours, etc.



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DATED: \_\_\_\_\_, 2015  
New York, New York

SO ORDERED

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U.S.M.J. STEVEN I. LOCKE